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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,129

12/05/2003

David H. Hanes

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INTELLECTUAL PROPERTY ADMINISTRATION
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EXAMINER

LIEW, ALEX KOK SOON

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

09/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,129	HANES ET AL.	
	Examiner	Art Unit	
	Alex Liew	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 8, 10, 12, 15 and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curley (US pat no 5,687,250) in view of Yogeshwar (US pat no 7,035,468).

With regards to claim 1, Curley discloses a method of scoring documents, said method comprising:

- capturing data forming at least a part of a particular document of said documents (see figure 5 element 15);
- electronically analyzing said capturing data to determine variation from accepted criteria (see figure 2, element 30; see figure 4A, element 46 where flags are set as conditions and these conditions are read as accepted criterion, more discussions of the flags is discussed on column 2, lines 61 to 67 to column 3, lines 1 to 10); and
- scoring said captured based on deviation from said accepted criterion (see column 3, lines 65 to 67, column 4, lines 1 to 3 and figure 4A).

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Curley does not disclose capturing, analyzing and scoring data of multimedia presentation. Yogeshwar discloses capturing and analyzing data of multimedia presentation (see figure 1, element 101 captures multimedia data such as video or audio, see column 21, lines 47 to 51 for analyzing multimedia data). One skilled in the art would include capturing and analyzing data of multimedia presentation because to determine if the quality of the data is displayable or not and if it is not displayable the receiver may ask for another copy of the presentation; this process unsure that the audio or video are played at optimum quality.

With regards to claim 7, Curley reads on determining one or more criterion from use of still images (see figure 5, element 15, the image documents are still images) and comparing still images criteria against an acceptable range of previously set parameters (see figure 4B, element 63, image document threshold are set previous to the pass / fail determination processor).

With regards to claim 8, an extension to the arguments of rejection of claim 1, Yogeshwar disclose particular presentation is a multimedia presentation (see video or audio is a form of presentation).

With regards to claim 10, Curley and Yogeshwar disclose all the limitations in claim 1, but do not disclose comparing data against a set of genre criterion. However, it is well known in the art to have TV genre such as drama, action, comedy or family movies

(MPEP 2144.03). One skilled in the art would include various kinds of TV genre because the audience will not become bored of watching the same genre over and over again, which means increase entertainment for the viewers.

With regards to claims 12 and 15, see the rationale and rejection for claim 1. In addition, Curley and Yogeshwar do not disclose presenting scores to the user. However, it is well known in the art to present matching / correlation scores to the user (MPEP 2144.03). One skilled in the art would include presenting scores to the user because the user is able to select the image with the best score, which represent the desired image the most.

With regards to claim 17, see the rationale and rejection for claims 1 and 10.

With regards to claim 18, an extension to the arguments of rejection of claim 1, Yogeshwar disclose said presentation comprises video and audio (see figure 1, audio / video).

With regards to claim 19, an extension to the arguments of rejection of claim 1, Yogeshwar discloses suggesting at least one of sound effects and background music (audio has sound effects).

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With regards to claim 20, Curley discloses storing the parameters in a database (the flags shown in figures 4A and 4B are stored in buffer to effect the image analysis).

3. Claims 2, 3, 11, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curley ('250) in view of Yogeshwar ('468) as applied to claim 1 further in view of Avinash (US pub no 2004/0008901).

With regards to claim 2, Curley and Yogeshwar disclose all the limitations discussed in claim 1, but do not disclose providing a report of improvement of a particular document image. There is a suggestion in Curley where the operator gives either a pass or fail after the image analysis, but does not ask the operator to find improvements on current document image.

Avinash discloses providing a report of improvement of a particular image (see paragraph 43, the filter parameters are selected by the operator to improve the image).

One skilled in the art would include a report to improve an image because to make known to an operator, so the operator is able to make the appropriate changes to improve the image, which improve the image quality.

With regards to claims 3, 14 and 16, see the rationale and rejection for claim 2.

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With regards to claim 11, Avinash reads on providing a summary of advice based on use of still images (see paragraph 43, the filter parameters are selected by the operator to improve the image).

With regards to claim 13, an extension to the arguments to the rejection of claim 12, Avinash reads on electronic content comprises image and said report includes suggestions from use of still images (see paragraph 43, the report is those set of parameters, which are also suggestions to improve the image). Yogeshwar discloses video images. See the motivation for claim 2 for combining Curley and Yogeshwar with Avinash.

4. Claims 4 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curley ('250) in view of Yogeshwar ('468) as applied to claim 1, further in view of Hirosawa (US pat no 5,204,918).

With regards to claim 4, Curley and Yogeshwar disclose all the limitations of claim 1, but do not disclose electronically correcting said particular presentation based upon results of said electronically analyzing. Curley suggests the operator to gives either a pass or fail after the image analysis, but does letting the user to correct any defects in the image. Hirosawa discloses electronically correcting said particular image (see column 10, lines 65 to 67 and column 11, lines 1 to 2). One skilled in the art would include

correcting an image because to remove any defect or artifact from the image, so the object image is accurately recognized.

With regards to claim 5, an extension to the arguments to claim 4, Hirosawa suggests transferring captured data from one medium to another medium, shown on column 8, lines 10 to 14, where the local network computer may transfer modified image data to another computer to be stored. One skilled in the art would include transferring captured data from one medium to another medium because it is possible that storage medium may be damaged and loses data, so having data at two locations helps prevent data being unrecoverable.

With regards to claim 6, Curley, Yogeshwar and Hirosawa disclose all the limitations discussed in claim 4, but do not disclose using any form of input to correct the image. However, it is well known in the art to use a keyboard or a mouse to make correction to an image, for example editing an image from the program paintbrush in MS Windows. One skilled in the art would include editing using a mouse because one is able to draw straight lines, circle or any kind of shape with a mouse, which allows a wide range of editing flexibility on the image.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curley ('250) in view of Yogeshwar ('468) as applied to claim 1, further in view of Hong (US pat no 5,617,488).

Curley and Yogeshwar disclose all the limitations discussed in claim 1, but do not disclose providing comparative improvement scores based previously stored scores. Hong reads on providing comparative improvement scores based previously stored scores (see column 4, lines 50 to 67 and column 5, lines 1 to 2). One skilled in the art would include providing comparative improvement scores based previously stored scores because to increase details such as edges and blur areas on the examined image to improve image quality recognition.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Liew whose telephone number is (571)272-8623. The examiner can normally be reached on 9:30AM - 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/31/07



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